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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,443	04/23/2005	David Hackett	05HAC01.001	1729
7590	10/10/2006		EXAMINER	
Kane P.O. Box 6534 Grand Rapids, MI 49516-6534			MAH, CHUCK Y	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/532,443	Applicant(s) HACKETT, DAVID	
	Examiner Chuck Mah	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it cannot be understood structurally how “an upright member” is related to the caster. There is insufficient information linking the member to the fork. Further, it is not clear how “at least one journal bearing” is structurally related to any one of the fork and the upright member. What is meant by “disposed”?

In claim 1, line 3, “such as...” renders the claim indefinite.

Line 4, “an upright axis between the fork and said frame or chassis” is vague and indefinite since the invention is being defined in terms of a non-claimed element, “frame or chassis”. And, it cannot be understood what “an upright axis between the fork and said frame or chassis” is referred to, without defining the geometry of the “fork” and the “frame or chassis”.

In claim 2, lines 1-2, it is not understood what “the first bearing” is referring to.

Line 3, it cannot be understood what is being defined as “a second member connected to the first member” and how “a second member” is related to the

“upright member” of claim 1. Both “an upright member” of claim 1 and “the second member” of claim 2 are to be connected to a frame or chassis.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. Claim 4 provides no connection between “three or more roller or ball bearing” and the caster.

Claim 8 is vague and indefinite. From claim 2 it is understood the second member is only “adapted for connection to a frame or chassis”. In claim 8, however, the “second member” is said to be “welded to the frame or chassis”. It is not clear whether applicant attempts to claim a caster or a caster-frame/chassis combination. Claim 8 renders the scope of the claim confusing.

In claim 10, it cannot be understood how “a rotational bearing” is related to “first bearing “ and “second bearing” recited in claim 2.

In claim 11, it cannot be understood how “a pair of axially aligned rotational bearings” is related to “at least one journal bearing” of claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1, as best as understood, is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kilian (1,922,098) or Hodges et al. (2,728,936).
5. Claims 1-3, 5- 9, 10 and 12, as best as understood, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by DE 19741742 A1. Note that all bearings can be defined as either “journal bearing” or “thrust bearing”, since they all tolerate both axial and radial loads. As to claim 12, “independently rotatable” is a conditional statement. As to claim 8, process “welded to the frame or chassis” is given no patent weight.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1-12, as best as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over JP58126203A in view of Hodges et al. '936.

JP discloses the invention as claimed (see embodiment of fig. 1 or embodiment of fig. 2) but for an upright member having at least one journal bearing. '936 teaches a caster having a second member (164) with journal bearings (163, 168, 169) mounted on the pintle (160) to provide a supportive swivel surface to the caster pintle without wobbling. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pintle of JP with a second member with bearings as taught by '936 to provide a swivel surface to the pintle so that the pintle would not wobble.

As to claim 8, process "welded to the frame or chassis" is given no patent weight. Extraneous element, the frame or the chassis, is not considered a positive limitation.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (571)272-7059. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (571)272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Chuck Mah
Primary Examiner
Art Unit 3677

CM